

**OPTOMETRY EXAMINING BOARD
MEETING MINUTES
JANUARY 24, 2019**

PRESENT: Ann Meier Carli, Mark Jenkins, Robert Schulz, Peter Sorce

EXCUSED: Richard Foss, John Sterling

STAFF: Tom Ryan, Executive Director; Helen Leong, Administrative Rules Coordinator; Maximilian Turner, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Ann Meier Carli, Chair, called the meeting to order at 9:13 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

- *Open Session: Under item “H. Deliberation on Items Added After Preparation of Agenda, 27. Speaking Engagements, Travel, or Public Relation Requests, and Reports” ADD:*
 - *“Consider Attendance at the Association of Regulatory Boards of Optometry (ARBO) 2019 Annual Meeting, June 16-18, 2019, St. Louis, MO”*

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 11, 2018

MOTION: Peter Sorce moved, seconded by Ann Meier Carli, to approve the minutes of October 11, 2018 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Robert Schulz nominated Ann Meier Carli for the Office of Chairperson.

Tom Ryan, Executive Director, called for nominations three (3) times.

Ann Meier Carli was elected as Chairperson by unanimous consent.

Vice Chairperson

NOMINATION: Mark Jenkins nominated Robert Schulz for the Office of Vice Chairperson.

Tom Ryan, Executive Director, called for nominations three (3) times.

Robert Schulz was elected as Vice Chairperson by unanimous consent.

Secretary

NOMINATION: Peter Sorce nominated Mark Jenkins for the Office of Secretary.

Tom Ryan, Executive Director, called for nominations three (3) times.

Mark Jenkins was elected as Secretary by unanimous consent.

2019 ELECTION RESULTS	
Chairperson	Ann Meier Carli
Vice Chairperson	Robert Schulz
Secretary	Mark Jenkins

Appointment of Liaisons and Alternates

2019 LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Ann Meier Carli <i>Alternate:</i> Richard Foss
Education and Exams Liaison(s)	Richard Foss <i>Alternate:</i> John Sterling
Monitoring Liaison	John Sterling <i>Alternate:</i> Mark Jenkins
Professional Assistance Procedure (PAP) Liaison(s)	Mark Jenkins <i>Alternate:</i> Peter Sorce
Legislative Liaison	Peter Sorce <i>Alternate:</i> Ann Meier Carli
Travel Liaison	Ann Meier Carli <i>Alternate:</i> Mark Jenkins
Occupational License Study Liaison	Ann Meier Carli <i>Alternate:</i> John Sterling
Prescription Drug Monitoring Program Liaison (PDMP)	Robert Schulz <i>Alternate:</i> Peter Sorce
2019 SCREENING PANEL APPOINTMENTS	
January-December 2019	Richard Foss, Mark Jenkins, Robert Schulz

Delegation of Authorities***Document Signature Delegations***

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Ann Meier Carli moved, seconded by Mark Jenkins, in order to carry out duties of the Board, the Chairperson, chief presiding officer, or longest serving board member, has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Mark Jenkins moved, seconded by Robert Schulz, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Monitoring Delegations

MOTION: Ann Meier Carli moved, seconded by Mark Jenkins, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented. Motion carried unanimously.

Credentialing Authority Delegations**Delegation of Authority to Credentialing Liaison**

MOTION: Ann Meier Carli moved, seconded by Mark Jenkins, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Ann Meier Carli moved, seconded by Mark Jenkins, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Mark Jenkins moved, seconded by Peter Sorce, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Voluntary Surrenders

MOTION: Ann Meier Carli moved, seconded by Mark Jenkins, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education, Continuing Education and/or Examination Delegation(s)

MOTION: Mark Jenkins moved, seconded by Ann Meier Carli, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Ann Meier Carli moved, seconded by Peter Sorce, to authorize DSPS staff to provide national regulatory related bodies with all Board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Ann Meier Carli moved, seconded by Mark Jenkins to designate the Chair (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Peter Sorce moved, seconded by Ann Meier Carli, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Ann Meier Carli moved, seconded by Peter Sorce, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

PDMP Liaison Delegation

MOTION: Mark Jenkins moved, seconded by Ann Meier Carli, to delegate authority to the PDMP Liaison for all matters relating to PDMP. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE (CR) 18-021 – OPT 8, RELATING TO
CONTINUING EDUCATION**

Review and Respond to Public Hearing Comments

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to accept all recommended changes to the January 24, 2019 public hearing proposed order, as reflected in the agenda materials, for CR 18-021, relating to continuing education. Motion carried unanimously.

MOTION: Ann Meier Carli moved, seconded by Robert Schulz, to authorize the Chair, or highest-ranking officer, or longest serving member of the board, to approve the Legislative Report and Draft for CR 18-021, relating to continuing education, for submission to the Governor's Office and Legislature. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Schedule Public Hearing on Scope Statement for Opt 3, 4, 6, and 7, Relating to the Examination on the Treatment and Management of Ocular Disease

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to schedule a preliminary public hearing and comment period on the Scope Statement for Opt 3, 4, 6, and 7, relating to the examination on the treatment and management of ocular disease, as directed by Senator Steve Nass, co-chairperson of JCRAR, pursuant to s. 227.136 (1), Stats. The public hearing is scheduled for Thursday, February 7th, at 8:00 am. Motion carried unanimously.

Review of Preliminary Rule Draft for SPS 10, Relating to the Use of Pharmaceutical Agents by Licensed Optometrists

MOTION: Mark Jenkins moved, seconded by Ann Meier Carli, to recommend to the Secretary of DSPS approval of the preliminary rule draft of SPS 10, relating to use of pharmaceutical agents by licensed Optometrists, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to authorize the Chair, or highest-ranking officer, or longest serving member of the board, to serve as liaison to the Secretary and DSPS staff for the promulgation of revisions to SPS 10, relating to use of pharmaceutical agents by licensed Optometrists. Motion carried unanimously.

Preliminary Rule Draft, Opt 6, Relating to the Use of Diagnostic and Therapeutic Pharmaceutical Agents and Removal of Superficial Foreign Bodies From an Eye or From an Appendage to the Eye

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to approve the preliminary rule draft of Opt 6, relating to the use of diagnostic and therapeutic pharmaceutical agents and removal of superficial foreign bodies from an eye or from an appendage to the eye, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Preliminary Rule Draft, Opt 4, Relating to Licensure by Endorsement

MOTION: Peter Sorce moved, seconded by Ann Meier Carli, to approve the preliminary rule draft of Opt 4, relating to licensure by endorsement, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Review of, and Possible Scope Statement for, Opt 5, Relating to Unprofessional Conduct

MOTION: Ann Meier Carli moved, seconded by Robert Schulz, to request DSPS staff draft a Scope Statement revising Opt 5.11 and Opt 5.14, relating to clarifying and/or removing identified provisions. Motion carried unanimously.

DELIBERATION ON ITEMS ADDED AFTER PREPARATION OF AGENDA

Speaking Engagements, Travel, or Public Relation Requests, and Reports

Consider Attendance at the Association of Regulatory Boards of Optometry (ARBO) 2019 Annual Meeting, June 16-18, 2019, St. Louis, MO

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to authorize the Board Chair to designate a Board delegate to attend the ARBO 2019 Annual Meeting on June 16-18, 2019 in St. Louis, MO and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). Ann Meier Carli, Chair, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Ann Meier Carli-yes; Mark Jenkins-yes; Robert Schulz-yes; and Peter Sorce-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:45 a.m.

RECONVENE TO OPEN SESSION

MOTION: Peter Sorce moved, seconded by Mark Jenkins, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:47 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

18 OPT 001 – N.R.K.

MOTION: Peter Sorce moved, seconded by Mark Jenkins, to issue an Administrative Warning in the matter of N.R.K., DLSC Case Number 18 OPT 001. Motion carried unanimously.

Case Closings

17 OPT 005 – W.V. and J.L.

MOTION: Mark Jenkins moved, seconded by Peter Sorce, to close DLSC Case Number 17 OPT 005, against W.V. and J.L., for Insufficient Evidence. Motion carried unanimously.

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Ann Meier Carli moved, seconded by Mark Jenkins, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Peter Sorce moved, seconded by Ann Meier Carli, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:49 a.m.